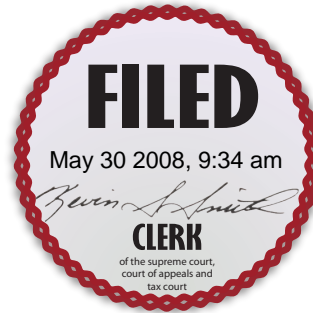


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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T.L.R.,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 21A01-0712-JV-548
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Petitioner.	)	

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APPEAL FROM THE FAYETTE CIRCUIT COURT  
The Honorable Daniel Lee Pflum, Judge  
Cause No. 21C01-0705-JD-398

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**May 30, 2008**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

## **BAKER, Chief Judge**

Appellant-respondent T.L.R. appeals her delinquency adjudication for what would be Theft,<sup>1</sup> a class D felony, had it been committed by an adult. T.L.R. argues that the evidence is insufficient to sustain the adjudication. Finding no error, we affirm.

### FACTS

On April 2, 2007, fifteen-year-old T.L.R. and her sister-in-law, Angela Lewis, entered a K-Mart store in Connorsville. The store's loss prevention officer, Danny Hatch, noticed T.L.R. and Lewis because Lewis was carrying a large bag. Hatch observed T.L.R. pick up some lip gloss, remove the packaging, and place it in Lewis's bag. A few minutes later, Hatch saw T.L.R. place a package of hair clips in Lewis's bag. Eventually, T.L.R. and Lewis left the store without paying for a number of items and were intercepted by Hatch and another loss prevention officer. The loss prevention officers called the police after T.L.R. and Hatch became uncooperative. Two police officers arrived at the store, escorted Lewis and T.L.R. into the loss prevention office, and emptied Lewis's bag, which contained, among other things, the lip gloss and hair clips that Hatch had observed T.L.R. placing in the bag.

On May 18, 2007, the State filed a petition alleging T.L.R. to be delinquent for committing an act that would have been class D felony theft had it been committed by an adult. At the close of the September 17, 2007, factfinding hearing, the trial court adjudged T.L.R. to be delinquent. On October 3, 2007, T.L.R. was ordered to serve one

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<sup>1</sup> Ind. Code § 35-43-4-2.

year on formal probation, to complete thirty hours of community service, and to take part in a theft awareness program. T.L.R. now appeals.

### DISCUSSION AND DECISION

T.L.R.'s sole argument on appeal is that the evidence is insufficient to sustain the adjudication. The standard of review applied to the sufficiency of the evidence in a juvenile proceeding is the same as that applied to a criminal proceeding. H.J. v. State, 746 N.E.2d 400, 402 (Ind. Ct. App. 2001). Thus, we will neither reweigh the evidence nor assess witness credibility. Gardner v. State, 724 N.E.2d 624, 626 (Ind. Ct. App. 2000). Instead, we will examine the evidence most favorable to the judgment and the reasonable inferences that may be drawn therefrom. Id. We will affirm if there is substantial evidence of probative value supporting the judgment. Id.

Here, Hatch testified that he observed T.L.R. place lip gloss and hair clips into Lewis's bag, that the women left the store without paying for those items, and that those items were still in Lewis's bag when the police officers emptied it. Tr. p. 4-6, 7. T.L.R. directs our attention to Lewis's testimony that she did not see T.L.R. place any items in the bag and that she, rather than T.L.R., had stolen all of the items at issue. T.L.R. also emphasizes her own testimony in which she denied placing any of the items in Lewis's bag. This argument, however, merely amounts to a request that we reweigh the evidence and reassess witness credibility—practices in which we do not engage when evaluating the sufficiency of the evidence. Hatch's testimony is sufficient evidence to support the trial court's adjudication, and the fact that he also testified that he observed T.L.R. placing some items back on the store shelves does not undercut his testimony that he

observed T.L.R. placing other items in the bag that were still there when the police inventoried its contents.

The judgment of the trial court is affirmed.

NAJAM, J., and BROWN, J., concur.